UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Johnda Green, 117 Behlmann Meadows Way St. Louis, MO 63034 Plaintiff, vs. Regent Asset Management Solutions, Inc., 7290 Samuel Dr Ste 300, Denver, CO 80221 Defendant.	)))))))))))))	Case No. Division No.

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Johnda Green (Plaintiff), by her attorneys, Krohn & Moss, Ltd., alleges the following against the Regent Asset Management Solutions, Inc. (Defendant):

INTRODUCTION

1. Plaintiff's Verified Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA). According to the FDCPA, the United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the FDCPA to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses. *15 U.S.C. 1692(a) – (e).*

2. Plaintiff brings this action to challenge Defendant's actions with regard to attempts by Defendant, a debt collector, to unlawfully and abusively collect a debt allegedly owed by Plaintiff, and this conduct caused Plaintiff's damages.
3. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

4. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
5. Because Defendant conducts business in the state of Missouri, personal jurisdiction is established.
6. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

7. Plaintiff is a natural person who resides in St. Louis, Missouri, and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
8. According to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
9. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
10. Defendant is a collection law firm located in Denver, Colorado.

11. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
12. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

13. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
14. Upon information and belief, Defendant is attempting to collect on an account owed to US Bank.
15. Plaintiff does not have a delinquent account with US Bank. Plaintiff's current accounts with US Bank are student loans that are in deferment. Plaintiff has had a US bank account in the past for an auto loan which was paid in full on time and then closed.
16. Plaintiff informed Defendant that she does not owe the debt (*see documents produced by Plaintiff to Defendant, attached hereto as Exhibit A*).
17. Despite the aforementioned, Defendant continues to place collection calls to Plaintiff for the alleged debt.
18. Defendant stated to Plaintiff that “if you didn't have the debt we wouldn't be calling.”
19. Defendant further stated in response to Plaintiff that “US Bank doesn't know what they're talking about, this was a long time ago, and you probably haven't paid a lot of people between now and then.”

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

20. Defendant violated the FDCPA based on the following:

   a. Defendant violated *§1692d* of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff.

   b. Defendant violated *§1692d(5)* of the FDCPA by causing Plaintiff's telephone to ring and/or engaging Plaintiff in conversation repeatedly and/or continuously with intent to annoy, abuse and/or harass Plaintiff.

   c. Defendant violated *§1692e* of the FDCPA by using false, deceptive and/or misleading representations or means in connection with the collection of a debt.

   d. Defendant violated *§1692e(10)* of the FDCPA by using false representations and/or to attempt to collect a debt.

   e. Defendant violated *§1692f* of the FDCPA by using unfair and/or unconscionable means to attempt to collect a debt.

WHEREFORE, Plaintiff, Johnda Green, respectfully requests judgment be entered against Defendant, Regent Asset Management Solutions, Inc., for the following:

21. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,

22. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

23. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*

24. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Adam Maxwell
Adam Maxwell
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, Johnda Green, hereby demands trial by jury in this action.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF MISSOURI)

Plaintiff, JOHNDA GREEN, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, JOHNDA GREEN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

04·22·10
Date

JOHNDA GREEN